

PRODUCT: 2 vending machines, each machine containing an unknown number of *rubber prophylactics* at Springfield, Ill.

RESULTS OF INVESTIGATION: The vending machines were serviced and labeled by Paul Paradise, owner of National Sanitary Sales, Chicago, Ill.

NATURE OF CHARGE: Misbranding, Section 502 (a), the statement appearing on the machines containing the article, namely, "Protex prophylactics are manufactured under the supervision of the Federal Pure Food and Drug Administration" was false and misleading since the prophylactics had not been manufactured under the supervision of the Federal Food and Drug Administration. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: September 7, 1951. Default decree of condemnation and destruction.

3578 Misbranding of Exercycle device. U. S. v. 5 Devices, etc. (F. D. C. No. 28036. Sample Nos. 46689-K, 46695-K.)

LIBEL FILED: October 7, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 14 and September 22, 1949, the devices were shipped in the name of the Exercycle Corp. of New York, from Hartford, Conn., to Pittsburgh, Pa.; and on or about June 30, 1949, the Exercycle Corp. of New York shipped from New York, N. Y., 200 copies of a large post card entitled "Now you can Rent an Exercycle."

PRODUCT: 5 *Exercycle* devices at Pittsburgh, Pa., in the possession of the Exercycle Co. of Pittsburgh, together with 200 large post cards and 200 small post cards. Both sizes of post cards were entitled "Now you can Rent an Exercycle." The Exercycle Co. of Pittsburgh caused 200 copies of the small post cards to be printed locally.

Examination showed that the *Exercycle* was a device resembling a wheel-less bicycle, operated by an electric motor to produce motion of the pedals, seat, and handle bars.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the large and small post cards accompanying the device were false and misleading since the device was not effective to accomplish the results stated and implied:

"* * * To help reduce waist - hips - thighs and look years younger! Helps reduce waistline makes chest expansion more complete * * * aids in relief of muscle soreness helps correct common form of constipation improves circulation * * * improves posture * * * helps reduce hips, thighs, buttocks * * * Exercycle is the easy way to help take off pounds and streamline the figure so that it looks right in today's fashions * * * After normal weight is reached, Exercycle helps keep you slender * * * Excellent for helping correct constipation caused by sedentary habits. * * * helps strengthen abdominal muscles * * * helps strengthen back muscles * * *."

The device was alleged to be misbranded when introduced into, while in, and while held for sale after shipment in interstate commerce.

DISPOSITION: November 9, 1951. The Exercycle Co. of Pittsburgh, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the devices be released under bond for relabeling, under the supervision of the Federal Security Agency.

DRUG ACTIONABLE BECAUSE OF FAILURE TO BEAR A LABEL CONTAINING AN ACCURATE STATEMENT OF THE QUANTITY OF THE CONTENTS*

3579. Misbranding of cortisone. U. S. v. 99 Vials * * *. (F. D. C. No. 30911. Sample No. 816-L.)

LIBEL FILED: April 10, 1951, Southern District of Florida; amended libel filed May 16, 1951.

ALLEGED SHIPMENT: On or about March 21, 1951, by Supramar Chemicals, Inc., from New York, N. Y.

PRODUCT: 99 unlabeled 20-cc. vials of *cortisone* at Miami, Fla., en route to Buenos Aires, Argentina.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

DISPOSITION: August 16, 1951. Supramar Chemicals, Inc., claimant, having admitted the allegations of the libel for purposes of the instant case, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

DRUG ACTIONABLE BECAUSE OF FAILURE TO BEAR LABELING INFORMATION LIKELY TO BE READ AND UNDERSTOOD BY ORDINARY INDIVIDUAL UNDER CUSTOMARY CONDITIONS OF PURCHASE AND USE

3580. Misbranding of Mynex tablets. U. S. v. 82 Boxes * * *. (F. D. C. No. 31403. Sample No. 18141-L.)

LIBEL FILED: August 3, 1951, District of Arizona.

ALLEGED SHIPMENT: On or about May 2, 1951, by Marlene's, Inc., from Chicago, Ill.

PRODUCT: 82 63-tablet boxes of *Mynex tablets* at Phoenix, Ariz. Analysis showed that the product contained substantially less than the declared amount of vitamin D.

LABEL, IN PART: "A Dietary Supplement * * * Mynex * * * Each Maroon Tablet Contains: * * * Vitamin D 200 Int. units."

NATURE OF CHARGE: Misbranding, Section 502 (c), the information required by Section 502 (a) to appear on the label of the article, namely, a statement that *Mynex tablets* would not make one reduce, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices, on the label) and in such terms as to render such statement likely to be read and understood by the ordinary individual under customary conditions of purchase and use since such statement appeared inside the cellophane wrapped box; and in the light of the representations made and suggested for the article, under conditions of use as are customary and usual, such statement should appear upon the immediate container of the article.

*See also Nos. 3554-3564.